IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.28909 of 1998

Dated: 28-03-2007

Between:

1. Grandhi Padmavathi,
   w/o late Grandhi Venkata Ramakrishna Murthy and 6 others.

... Petitioners

and

1. Government of Andhra Pradesh,
   rep. by its Secretary, Revenue (UC-II) Department,
   Secretariat, Hyderabad and 2 others.

... Respondents

ORDER:

This writ petition is filed seeking a *mandamus* to declare the action of respondents in treating the land in Survey No.51/2 of Guntur town as surplus and trying to allot the same to third parties, as illegal and void.

2. Facts, in brief, are: First petitioner is the widow and petitioner

Nos.2 to 7 along with two minor children, are the children of one Late Grandhi Venkata Rama Krishna Murthy, who purchased the lands admeasuring 3824.29 sq. meters equivalent to Ac.94-05 cents in Survey No.51/2 in the name of first petitioner from out of the joint family funds. Though the first petitioner gave declaration showing the entire extent of the land, she has omitted to show the particulars of other family members. As soon as the draft statement under Section 9(1) of the Urban Land Ceiling Act (for short, 'the Act'), 1976 was published, seventh petitioner submitted his explanation contending that he was a major by the crucial date, as his date of birth is 01-06-1954 and there is no surplus land and their family is entitled to own the entire land and the said objection petition was pending consideration before second respondent till date.

3. The grievance of petitioners is that without disposing of the objection petition filed by seventh petitioner and finalizing the proceedings under the Act, respondents are treating the land in question as surplus and are proceeding to assign the said land in favour of third parties.

4. Heard learned counsel for the parties.

5. Evidently, the Special Officer under the Act passed an order on 01-03-1980 holding that first petitioner i.e. Smt. Grandhi Padmavathi, is an excess landholder. But, having regard to the fact that seventh petitioner ie. Grandhi Venkata Ranga Mannar filed an objection stating that he was born on 01-06-1954, that as on the date of the Act he was a major and that as the representation filed by him is pending before second respondent – Special Officer, this Court is of the view that second respondent ought to have enquired into the correctness of the

said representation and given a finding. Hence, this Court directs the second respondent – Special Officer to enquire into the representation given by seventh petitioner and determine as to whether he was a major as on
17-02-1976 or not. It is open to seventh petitioner to let in all possible evidence establishing the fact that he was born on 01-06-1954.

6. Accordingly, the writ petition is disposed of. No costs.

However, it is made clear that till the disposal of the representation filed by seventh petitioner, respondents are directed not to interfere with the petitioners' peaceful possession of the lands in question.

JUSTICE GOPALAKRISHNA TAMADA

Dt.28-03-2007
GLV